

Hon. Sylvia O. Hinds-Radix
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August 10, 2022

BY ECF

Honorable John G. Koeltl
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

APPLICATION GRANTED
SO ORDERED


John G. Koeltl, U.S.D.J.

8/10/22

Re: *Simone Samuels v. The City of New York, et al.*
1:22-cv-01904 (JGK)
Our No. 2022-019961

To The Honorable Judge John G. Koeltl:

I am an Assistant Corporation Counsel in the office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for defendants City of New York ("City") and New York City Department of Transportation ("DOT") in the above-referenced action. I now write, with the consent of all parties, to respectfully request a three week extension of time, from August 12, 2022 until September 2, 2022, for defendants' to serve their motions to dismiss the amended complaint due to the effects of defendants' heavy caseload and conflicting schedules of necessary personnel.

On July 7, 2022, the Court held a telephonic conference after which a scheduling order was issued. See Order, dated July 7, 2022, ("Order"), Docket No. 19. The Order provided a schedule for defendants' proposed motion to dismiss which was schedule to be served on August 12, 2022. Id. The Order also provided for plaintiff to file an amended complaint by July 22, 2022. Id. On July 22, 2022, plaintiff filed an amended complaint. See First Amended Complaint, dated July 22, 2022, Docket No. 20.

This is defendants' first request for an extension of this deadline. Defendants' are compelled to request an extension due to the effects of defendants' heavy caseload, investigation into new allegations made in the plaintiff's amended complaint, conflicting schedules for necessary personnel, and the reassignment of this matter for necessary personnel. Plaintiff makes a number of new allegations in the First Amended Complaint that require retrieving of preliminary documents and further investigation. See First Amended Complaint, dated July 22, 2022, Docket No. 20 at ¶¶ 22; 23; 30; 35. In addition, conflicting schedules for necessary personnel further necessitate the additional time. Finally, necessary personnel on behalf of the City will no longer

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be assigned to this matter which necessitates additional time for new personnel to be acclimated to this case.

A three week extension of the briefing schedule for defendants' motion to dismiss the amended complaint would, if approved by the Court, result in the following schedule:

- Defendants to serve its moving papers on or before September 2, 2022;
- Plaintiffs shall serve their opposition papers on or September 23, 2022;
- Defendant shall serve its reply papers on or before October 3, 2022.

Defendants thank the Court for its consideration of this request.

Respectfully submitted,

[ECF] /S/

David Choi

Assistant Corporation Counsel